The hijacking of human rights by conservatives and religious fundamentalists

Introduction

With this statement, the European Humanist Federation would like to raise the Human Rights Council's attention on a worrying trend that has been happening in several countries in Europe and at the regional and international level. Our organisation is deeply concerned to see that various fundamental rights are being hijacked by conservative and extremist groups and governments with the aim of undermining other people's rights and freedoms.

Several key rights have been reframed with a highly conservative meaning and this has started to seriously impact minorities' rights, namely women, LGBTI1 people and non-believers. This statement aims at giving few examples of this growing reality.

Freedom of thought, conscience and religion

Freedom of thought, conscience and religion refers to the right to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching. It also includes to right not to have a religion or belief and to change or abandon a belief, as confirmed in General Comment N° 22 of the United Nations Human Rights Committee.

However, this right has been increasingly reframed in "religious freedom" by people who hold extremist religious views and who try to impose these views on others and in policy-making. "Religious freedom" has been used to demand a right to discriminate against people with different beliefs, those who are nonbelievers, or other individuals based on their gender or sexual orientation. In the area of sexual and reproductive rights, "religious freedom" and "freedom of conscience" have been extensively used to deny women's access to legal contraception and abortion. In Italy, Poland or Greece, this has led to dramatic situations, forcing numerous women to seek terminations abroad, or even to have underground abortions in their country.

We would like to remind that freedom of thought, conscience and religion is an absolute right but that its manifestation is not. As stated in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), the freedom to manifest one's religion or beliefs may be subject to limitations by law when they are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

The right to life

Human rights begin at birth. So does the right to life. The international community has made it clear despite repeated calls from organised religions and anti-human rights groups to impose a conservative definition of this right. In a number of countries and in various European and international institutions, including the United Nations, several attempts to impose the protection of life from conception have been implemented in an effort to undermine and oppose women's and girls' sexual and reproductive rights.

As recalled by the United Nations Working Group on Discrimination against Women in Law and in Practice on 22 June 2018, women's sexual and reproductive rights are facing a strong global pushback from an alliance of conservative political ideologies and religious fundamentalisms2.
It is therefore crucial to recall that a prenatal conception of the right to life dramatically undermines women's health, life, and, amongst others, their right to privacy and to non-discrimination. This is the position of the United Nations Human Rights Committee which rejected amendments proposing to apply the right to life before birth during the drafting of the International Covenant on Civil and Political Rights 3. It has also been clearly recalled by the Human Rights Committee in its draft general comment N° 36 on Article 6 on the right to life: "States parties must provide safe access to abortion to protect the life and health of pregnant women". As a consequence, "measures [designated to

1 Lesbian, Gay, Bisexual, Transgender and Intersex

2 HRC 38th 14/05/2018 A/HRC/38/46 Report of the Working Group on the issue of discrimination against Women in law and in practice - Note by the Secretariat

3 "Human Rights Begin at Birth: International Law and the Claim of Fetal Rights", Reproductive Health Matters 2005

regulate terminations of pregnancy] must not result in violation of the right to life of a pregnant woman or her other rights under the Covenant, including the prohibition against cruel, inhuman and degrading treatment or punishment."4

Marriage, family and children's rights

The definition of 'family' has become highly political and has been used by some to oppose the rights of LGBTI people and women's and men's sexual and reproductive rights. Anti-human rights groups and movements have been trying to prevent and/or reverse equal treatment of non-traditional families, by promoting a very narrow concept of family, namely father, mother and their biological children, as the only "natural" and "acceptable" form of a family.

In Croatia, Slovenia, Slovakia, Romania and France amongst others, citizen initiatives were launched by "anti-gender" movements to organise referenda with the objective of either restricting marriage to a union between a woman and a man or halting progressive legislations that would guarantee the same rights for all forms of families. In their argumentation, these initiatives have referred to a supposed "Natural law" that would only allow heterosexual love and reproductive unions. The argumentation goes on with the idea that only this type of union would provide a safe space for children to grow up in, although this has no scientific grounds. On the contrary, sociological and psychological research on same-sex families has demonstrated that the sexual orientation of parents, their gender or their number are not decisive factors, but rather the quality of their parental role.

Such an attempt to narrow the concept of family to a dogmatic idea, is not only an attack on the rights of same sex couples and on sexual and reproductive rights, but is offensive and discriminatory towards families in all their forms, such as single parents, foster families, patchwork/stepparents families. Different household structures and family forms have always existed and exit across the world. Legislations worldwide should ensure the respect and protection of the human rights and wellbeing of all individuals within families and households, without discrimination based on the form of the family in question. Policy and legislation should foster healthy, loving and resilient families, regardless of their composition.

Conclusions

Reframing language is a tactic increasingly used by conservatives and religious fundamentalists to implant unjust and discriminatory concepts into public policy debates by using words that seem to represent agreed concepts, but hide another agenda.

We call upon the Human Rights Council to actively oppose this trend and to remind governments with the correct and internationally agreed definition of the following key fundamental rights.

Freedom of thought, conscience and religion is not a license to discriminate or to circumvent legislations and may be subject to limitations so as to protect the rights and freedoms of others.

The right to life applies after birth and protects individuals, especially women from harmful practices including those regarding their sexual and reproductive health. Therefore, safe and legal abortion is not only compatible with the protection of the right to life of women, but is very much needed to such a purpose.
As agreed in 1994 during the International Year of Family by academic experts and widely recognised by the international community, family is defined in an inclusive way so as to respect and protect its different forms and compositions: "A family is a union of a child / children and one or more adults, who care for this child."

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4 Human Rights Committee General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life* ,** Revised draft prepared by the Rapporteur, paragraph 9, page 2.